
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,
Plaintiff,

v.

MICHAEL CHASE MONTGOMERY,
Defendant.

MEMORANDUM DECISION AND
ORDER DENYING DEFENDANT’S
MOTION FOR SENTENCE REDUCTION

Case No. 2:15-CR-76 TS

District Judge Ted Stewart

This matter is before the Court on Defendant’s Motion for Sentence Reduction under the First Step Act, 18 U.S.C. § 3582(c)(1)(A). “Before passage of the First Step Act of 2018, district courts could grant compassionate release sentence reductions only upon a motion by the [Bureau of Prisons] Director.”¹ After the First Step Act, a motion for modification may be brought directly by the prisoner. Before doing so, the prisoner must fully exhaust all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or there must be a lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility.²

Here, Defendant does not assert that he has made a request for sentence reduction to the BOP. A statement from the BOP confirms he has made no such request.³ Because Defendant

¹ *United States v. Beck*, 425 F. Supp. 3d 573, 577–78 (M.D.N.C. 2019).

² *United States v. Johnson*, 849 F. App’x 750, 752 (10th Cir. 2021).

³ Docket No. 55-1, at 2.

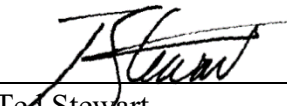
has failed to demonstrate that he has satisfied the statute's exhaustion requirement, the Court must dismiss Defendant's request for relief.⁴

It is therefore

ORDERED that Defendant's Motion for Sentence Reduction (Docket No. 50) is
DENIED WITHOUT PREJUDICE.

DATED this 14th day of September, 2021.

BY THE COURT:



Ted Stewart
United States District Judge

⁴ *Johnson*, 849 F. App'x at 753 (affirming dismissal under similar circumstances).